United Nations A/C.3/56/L.29

General Assembly

Distr.: Limited
31 October 2001

Original: English

Fifty-sixth session
Third Committee
Agenda item 115
Promotion and protection of the rights of children

Andorra, Argentina, Belgium, Benin, Bolivia, Botswana, Canada, Chile, Democratic Republic of the Congo, Denmark, Ethiopia, Ecuador, Finland, Germany, Hungary, Ireland, Italy, Japan, Kenya, Latvia, Lesotho, Luxembourg, Malawi, Mauritius, Monaco, Mozambique, Namibia, Nepal, Netherlands, New Zealand, Niger, Nigeria, Norway, Poland, Portugal, Republic of Moldova, Romania, San Marino, Senegal, Singapore, Slovenia, South Africa, Swaziland, Sweden, Thailand, the former Yugoslav Republic of Macedonia, Uganda, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, Uruguay, Venezuela, Zambia and Zimbabwe: draft resolution

The girl child

The General Assembly,

Recalling its resolution 55/78 of 4 December 2000 and all previous relevant resolutions, including the agreed conclusions of the Commission on the Status of Women, in particular those relevant to the girl child,

Recalling also all relevant United Nations conferences and the Declaration and Agenda for Action adopted by the World Congress against Commercial Sexual Exploitation of Children, held at Stockholm from 27 to 31 August 1996,[1] as well as the outcome documents of the recent five-year reviews of the implementation of the Programme of Action of the International Conference on Population and Development[2] and the Programme of Action of the World Summit for Social Development,[3]

Deeply concerned about discrimination against the girl child and the violation of the rights of the girl child, which often result in less access for girls to education, nutrition, physical and mental health care and in girls enjoying fewer of the rights, opportunities and benefits of childhood and adolescence than boys and often being subjected to various forms of cultural, social, sexual and economic exploitation and

[1] A/51/385, annex.
[2] Resolution S-21/2, annex.
[3] Resolution S-24/2, annex.

01-61232 (E) 311001

to violence and harmful practices, such as female infanticide, incest, early marriage, prenatal sex selection and female genital mutilation,

Recognizing the need to achieve gender equality so as to ensure a just and equitable world for girls,

Deeply concerned that, in situations of poverty, war and armed conflict, girl children are among the victims most affected and that thus their potential for full development is limited,

Concerned that the girl child has furthermore become a victim of sexually transmitted diseases and the human immunodeficiency virus, which affects the quality of her life and leaves her open to further discrimination,

Reaffirming the equal rights of women and men as enshrined, inter alia, in the Preamble to the Charter of the United Nations, the Convention on the Elimination of All Forms of Discrimination against Women[4] and the Convention on the Rights of the Child,[5]

Reaffirming also the political declaration[6] and further actions and initiatives to implement the Beijing Declaration and Platform for Action,[7] adopted by the General Assembly at its twenty-third special session, entitled "Women 2000: gender equality, development and peace for the twenty-first century",

Reaffirming further the Dakar Framework for Action adopted at the World Education Forum,[8]

Reaffirming the Declaration of Commitment on HIV/AIDS,[9] adopted by the General Assembly at its twenty-sixth special session,

1. *Stresses* the need for full and urgent implementation of the rights of the girl child as guaranteed to her under all human rights instruments, including the Convention on the Rights of the Child[5] and the Convention on the Elimination of All Forms of Discrimination against Women,[4] as well as the need for universal ratification of those instruments;

2. *Urges* States to consider signing, ratifying or acceding to the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women;[10]

3. *Welcomes* the adoption of the Optional Protocols to the Convention on the Rights of the Child on the involvement of children in armed conflict[11] and on the sale of children, child prostitution and child pornography,[12] and invites States to consider signing and ratifying the Optional Protocols as a matter of priority with a view to their entry into force as soon as possible;

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[4] Resolution 34/180, annex.
[5] Resolution 44/25, annex.
[6] Resolution S-23/2, annex.
[7] Resolution S-23/3, annex.
[8] See *Final Report of the World Education Forum, Dakar, Senegal, 26-28 April 2000*, United Nations Educational, Scientific and Cultural Organization, Paris, 2000.
[9] Resolution S-26/2, annex.
[10] Resolution 54/4, annex.
[11] Resolution 54/263, annex I.
[12] Ibid., annex II.

4. *Also welcomes* the United Nations Girls' Education Initiative launched by the Secretary-General at the World Education Forum;

5. *Urges* all Governments and the United Nations system to strengthen efforts bilaterally and with international organizations and private sector donors in order to achieve the goals of the World Education Forum, in particular that of eliminating gender disparities in primary and secondary education by 2005, and for the implementation of the United Nations Girls' Education Initiative as a means of reaching this goal, and reaffirms the commitment contained in the United Nations Millennium Declaration;[13]

6. *Calls upon* all States to take measures to address the obstacles that continue to affect the achievement of the goals set forth in the Beijing Platform for Action,[14] as contained in paragraph 33 of the further actions and initiatives to implement the Beijing Declaration and Platform for Action,[7] where appropriate, including the strengthening of national mechanisms to implement policies and programmes for the girl child and, in some cases, to enhance coordination among responsible institutions for the realization of the human rights of girls, as indicated in the further actions and initiatives;

7. *Urges* all States to take all necessary measures and to institute legal reforms to ensure the full and equal enjoyment by the girl child of all human rights and fundamental freedoms, to take effective action against violations of those rights and freedoms and to base programmes and policies for the girl child on the rights of the child;

8. *Urges* States to enact and enforce strictly laws to ensure that marriage is entered into only with the free and full consent of the intending spouses, to enact and enforce strictly laws concerning the minimum legal age of consent and the minimum age for marriage and to raise the minimum age for marriage where necessary;

9. *Urges* all States to fulfil their obligations under the Convention on the Rights of the Child and the Convention on the Elimination of All Forms of Discrimination against Women as well as the commitment to implement the Beijing Platform for Action;

10. *Also urges* all States to enact and enforce legislation to protect girls from all forms of violence, including female infanticide and prenatal sex selection, female genital mutilation, rape, domestic violence, incest, sexual abuse, sexual exploitation, child prostitution and child pornography, and to develop age-appropriate safe and confidential programmes and medical, social and psychological support services to assist girls who are subjected to violence;

11. *Calls upon* all States and international and non-governmental organizations, individually and collectively, to implement further the Beijing Platform for Action, in particular the strategic objectives relating to the girl child and including the further actions and initiatives to implement the Beijing Declaration and Platform for Action;

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[13] See resolution 55/2.

[14] *Report of the Fourth World Conference on Women, Beijing, 4-15 September 1995* (United Nations publication, Sales No. E.96.IV.13), chap. I, resolution 1, annex II.

12. *Urges* States to take special measures for the protection of war-affected girls and in particular to protect them from sexually transmitted diseases, such as human immunodeficiency virus/acquired immunodeficiency syndrome, and gender-based violence, including rape and sexual abuse, torture, sexual exploitation, abduction and forced labour, paying special attention to refugee and displaced girls, and to take into account the special needs of the war-affected girl child in the delivery of humanitarian assistance and disarmament, demobilization and reintegration processes;

13. *Urges* all States and the international community to respect, protect and promote the rights of the child, taking into account the particular vulnerabilities of the girl child in pre-conflict, conflict and post-conflict situations, and calls for special initiatives designed to address all of the rights and needs of war-affected girls;

14. *Welcomes* the holding of the International Conference on War-Affected Children at Winnipeg, Canada, from 10 to 17 September 2000, and takes note with appreciation of the Winnipeg Agenda for War-Affected Children;[15]

15. *Urges* States to formulate comprehensive, multidisciplinary and coordinated national plans, programmes or strategies to eliminate all forms of violence against women and girls, which should be widely disseminated and should provide targets and timetables for implementation, as well as effective domestic enforcement procedures through the establishment of monitoring mechanisms involving all parties concerned, including consultations with women's organizations, giving attention to the recommendations relating to the girl child of the Special Rapporteur of the Commission on Human Rights on violence against women, its causes and consequences;

16. *Calls upon* Governments, civil society, including the media, and non-governmental organizations to promote human rights education and the full respect for and enjoyment of the human rights of the girl child, inter alia, through the translation, production and dissemination of age-appropriate information material on those rights to all sectors of society, in particular to children;

17. *Requests* the Secretary-General, as Chairman of the Administrative Committee on Coordination, to ensure that all organizations and bodies of the United Nations system, individually and collectively, in particular the United Nations Children's Fund, the United Nations Educational, Scientific and Cultural Organization, the World Food Programme, the United Nations Population Fund, the United Nations Development Fund for Women, the World Health Organization, the United Nations Development Programme and the Office of the United Nations High Commissioner for Refugees, take into account the rights and the particular needs of the girl child in the country programme of cooperation in accordance with the national priorities, including through the United Nations Development Assistance Framework;[16]

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[15] A/55/467-S/2000/973, annex.

[16] See A/53/226, paras. 72-77, and A/53/226/Add.1, paras. 88-98.

18. *Requests* all human rights treaty bodies, special procedures and other human rights mechanisms of the Commission on Human Rights and its Subcommission on the Promotion and Protection of Human Rights to adopt regularly and systematically a gender perspective in the implementation of their mandates and to include in their reports information on the qualitative analysis of violations of the human rights of women and girls, and encourages the strengthening of cooperation and coordination in that regard;

19. *Calls upon* States and international and non-governmental organizations to mobilize all necessary resources, support and efforts to realize the goals, strategic objectives and actions set out in the Beijing Platform for Action and the further actions and initiatives to implement the Beijing Declaration and Platform for Action;

20. *Stresses* the importance of a substantive assessment of the implementation of the Beijing Platform for Action with a life-cycle perspective so as to identify gaps and obstacles in the implementation process and to develop further actions for the achievement of the goals of the Platform;

21. *Welcomes* the convening of the Second World Congress against Commercial Sexual Exploitation of Children at Yokohama, Japan, from 17 to 20 December 2001, and the regional consultative meetings for its preparation, which aim to review the progress made in implementing the Declaration and Agenda for Action adopted by the first World Congress, held at Stockholm from 27 to 31 August 1996[1] and to strengthen actions to eradicate sexual commercial exploitation of children, and invites Member States and observers to ensure their representation at the Second World Congress at a high political level;

22. *Encourages* the regional commissions and other regional organizations to carry out activities in support of the preparations for the Second World Congress;

23. *Stresses* the importance of integrating a gender perspective and the needs and rights of the girl child into the work of the special session of the General Assembly on children.

United Nations A/C.3/56/L.30

General Assembly

Distr.: Limited
31 October 2001

Original: English

Fifty-sixth session
Third Committee
Agenda item 116
Programme of activities of the International Decade of the World's Indigenous People

Argentina, Australia, Belarus, Belgium, Belize, Bolivia, Brazil, Canada, Croatia, Cyprus, Denmark, Ecuador, Estonia, Fiji, Finland, France, Germany, Guatemala, Guyana, Iceland, Ireland, Latvia, Luxembourg, Mexico, Nepal, Netherlands, New Zealand, Norway, Peru, Portugal, Russian Federation, Spain, Suriname, Sweden, former Yugoslav Republic of Macedonia and United Kingdom of Great Britain and Northern Ireland: draft resolution

International Decade of the World's Indigenous People

The General Assembly,

Recalling its resolution 55/80 of 4 December 2000 and previous resolutions on the International Decade of the World's Indigenous People,

Recalling also its resolution 40/131 of 13 December 1985, by which it established the United Nations Voluntary Fund for Indigenous Populations,

Recalling further that the goal of the Decade is to strengthen international cooperation for the solution of problems faced by indigenous people in such areas as human rights, the environment, development, education and health, and that the theme of the Decade is "Indigenous people: partnership in action",

Welcoming, in this respect, the contribution made by the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, held at Durban, South Africa from 31 August to 7 September 2001, to the realization of the goal of the Decade,

Welcoming also the appointment of a special rapporteur of the Commission on Human Rights on the situation of human rights and fundamental freedoms of indigenous people, with the mandate as spelled out in Commission resolution 2001/57 of 24 April 2001,[1]

[1] See *Official Records of the Economic and Social Council, 2001, Supplement No. 3* (E/2001/23), chap. II, sect. A.

01-61262 (E) 011101

Recognizing the importance of consultation and cooperation with indigenous people in planning and implementing the programme of activities for the International Decade of the World's Indigenous People,[2] the need for adequate financial support from the international community, including support from within the United Nations system, and the need for adequate coordination and communication channels,

Urging all parties to continue to intensify their efforts to achieve the goals of the Decade,

1. *Takes note* of the report of the Secretary-General on the implementation of the programme of activities for the International Decade of the World's Indigenous People;[3]

2. *Affirms its conviction* of the value and diversity of the cultures and forms of social organization of indigenous people and its conviction that the development of indigenous people within their countries will contribute to the socio-economic, cultural and environmental advancement of all the countries of the world;

3. *Emphasizes* the importance of strengthening the human and institutional capacity of indigenous people to develop their own solutions to their problems;

4. *Requests* the United Nations High Commissioner for Human Rights, as coordinator for the Decade:

(a) To continue to promote the objectives of the Decade, taking into account, in the fulfilment of her functions, the special concerns of indigenous people;

(b) To give due regard to the dissemination, from within existing resources and voluntary contributions, of information on the situation, cultures, languages, rights and aspirations of indigenous people and, in that context, to consider the possibility of organizing projects, special events, exhibitions and other activities addressed to the public, in particular to young people;

(c) To submit, through the Secretary-General, an annual report to the General Assembly on the implementation of the programme of activities for the Decade;

5. *Reaffirms* the adoption of a declaration on the rights of indigenous people as a major objective of the Decade, and underlines the importance of effective participation by indigenous representatives in the open-ended inter-sessional working group of the Commission on Human Rights charged with developing a draft declaration on the rights of indigenous people, established pursuant to Commission resolution 1995/32 of 3 March 1995;[4]

6. *Welcomes* Economic and Social Council decision 2001/316 of 26 July 2001, concerning the Permanent Forum on Indigenous Issues;

7. *Encourages* Governments to support the Decade by:

(a) Preparing relevant programmes, plans and reports in relation to the Decade, in consultation with indigenous people;

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[2] Resolution 50/157, annex.

[3] A/56/206.

[4] See *Official Records of the Economic and Social Council, 1995, Supplement No. 3* and corrigenda (E/1995/23 and Corr.1 and 2), chap. II, sect. A.

(b) Seeking means, in consultation with indigenous people, of giving indigenous people greater responsibility for their own affairs and an effective voice in decisions on matters that effect them;

(c) Establishing national committees or other mechanisms involving indigenous people to ensure that the objectives and activities of the Decade are planned and implemented on the basis of full partnership with indigenous people;

(d) Contributing to the United Nations Trust Fund for the International Decade of the World's Indigenous People;

(e) Contributing, together with other donors, to the United Nations Voluntary Fund for Indigenous Populations in order to assist indigenous representatives in participating in the Working Group on Indigenous Populations of the Subcommission on the Promotion and Protection of Human Rights and the open-ended inter-sessional working group of the Commission on Human Rights charged with elaborating a draft declaration on the rights of indigenous people;

(f) Considering contributing, as appropriate, to the Fund for the Development of Indigenous Peoples in Latin America and the Caribbean, in support of the goals of the Decade;

(g) Identifying resources for activities designed to implement the goals of the Decade, in cooperation with indigenous people and intergovernmental and non-governmental organizations;

8. *Invites* United Nations financial and development institutions, operational programmes and the specialized agencies and secretariats, as well as other regional and international organizations, in accordance with the existing procedures of their governing bodies:

(a) To give increased priority and resources to improving the conditions of indigenous people, with particular emphasis on the needs of those people in developing countries, including through the preparation of specific programmes of action for the implementation of the goals of the Decade, within their areas of competence;

(b) To launch special projects, through appropriate channels and in cooperation with indigenous people, to strengthen their community-level initiatives and to facilitate the exchange of information and expertise among indigenous people and other relevant experts;

(c) To designate focal points for the coordination of activities related to the Decade with the Office of the United Nations High Commissioner for Human Rights;

and commends those institutions, programmes, agencies and regional and international organizations that have already done so;

9. *Decides* that the United Nations Voluntary Fund for Indigenous Populations should also be used to assist representatives of indigenous communities and organizations in attending, as observers, the sessions of the Permanent Forum on Indigenous Issues;

10. *Appeals* to all Governments and organizations to consider contributing to the United Nations Voluntary Fund for Indigenous Populations, if possible with a substantial increase in the level of contributions;

11. *Recommends* that the Secretary-General ensure coordinated follow-up to the recommendations concerning indigenous people of relevant United Nations conferences, namely, the World Conference on Human Rights, held at Vienna from 14 to 25 June 1993, the United Nations Conference on Environment and Development, held at Rio de Janeiro, Brazil, from 3 to 14 June 1992, the International Conference on Population and Development, held at Cairo from 5 to 13 September 1994, the Fourth World Conference on Women, held at Beijing from 4 to 15 September 1995, the World Summit for Social Development, held at Copenhagen from 6 to 12 March 1995, the second United Nations Conference on Human Settlements (Habitat II), held at Istanbul, Turkey, from 3 to 14 June 1996, and the World Food Summit, held at Rome from 13 to 17 November 1996, and other relevant international conferences;

12. *Requests* the United Nations High Commissioner for Human Rights to submit, through the Secretary-General, a report on the implementation of the programme of activities for the Decade to the General Assembly at its fifty-seventh session;

13. *Decides* to include in the provisional agenda of its fifty-seventh session the item entitled "Programme of activities of the International Decade of the World's Indigenous People".

United Nations A/C.3/56/L.31

General Assembly

Distr.: Limited
6 November 2001

Original: English

Fifty-sixth session
Third Committee
Agenda item 118
Right of peoples to self-determination

Angola, Bolivia, Cambodia, Cameroon, China, Comoros, Congo, Costa Rica, Cuba, Democratic People's Republic of Korea, Democratic Republic of the Congo, Dominican Republic, Ecuador, Egypt, Eritrea, Ethiopia, Guatemala, Iran (Islamic Republic of), Iraq, Kenya, Lao People's Democratic Republic, Libyan Arab Jamahiriya, Mali, Niger, Nigeria, Pakistan, Peru, Rwanda, Sudan, Syrian Arab Republic, Togo, Viet Nam and Yemen: draft resolution

Use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination

The General Assembly,

Recalling its resolution 55/86 of 4 December 2000, and taking note of Commission on Human Rights resolution 2001/3 of 6 April 2001,[1]

Recalling also all of its relevant resolutions, in which, inter alia, it condemned any State that permitted or tolerated the recruitment, financing, training, assembly, transit and use of mercenaries with the objective of overthrowing the Governments of States Members of the United Nations, especially those of developing countries, or of fighting against national liberation movements, and recalling further the relevant resolutions of and international instruments adopted by the Security Council, the Economic and Social Council and the Organization of African Unity, inter alia the Convention of the Organization of African Unity on the Elimination of Mercenarism in Africa,

Reaffirming the purposes and principles enshrined in the Charter of the United Nations concerning the strict observance of the principles of sovereign equality, political independence, the territorial integrity of States, the self-determination of peoples, the non-use of force or threat of use of force in international relations and non-interference in affairs within the domestic jurisdiction of States,

[1] See *Official Records of the Economic and Social Council, 2001, Supplement No. 3* (E/2001/23), chap. II, sect. A.

01-62104 (E) 061101

Reaffirming also that, by virtue of the principle of self-determination, all peoples have the right freely to determine their political status and to pursue their economic, social and cultural development, and that every State has the duty to respect this right in accordance with the provisions of the Charter,

Reaffirming further the Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States in accordance with the Charter of the United Nations,[2]

Alarmed and concerned about the danger that the activities of mercenaries constitute to peace and security in developing countries, in particular in Africa and in small States,

Deeply concerned about the loss of life, the substantial damage to property and the negative effects on the policy and economies of affected countries resulting from mercenary criminal activities,

Convinced that, notwithstanding the way in which mercenaries or mercenary-related activities are used or the form they take to acquire some semblance of legitimacy, they are a threat to peace, security and the self-determination of peoples and an obstacle to the enjoyment of human rights by peoples,

1. *Welcomes* the report of the Special Rapporteur of the Commission on Human Rights on the use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination;[3]

2. *Reaffirms* that the use of mercenaries and their recruitment, financing and training are causes for grave concern to all States and violate the purposes and principles enshrined in the Charter of the United Nations;

3. *Recognizes* that armed conflict, terrorism, arms-trafficking and covert operations by third Powers, inter alia, encourage the demand for mercenaries on the global market;

4. *Urges* all States to take the necessary steps and to exercise the utmost vigilance against the menace posed by the activities of mercenaries and to take legislative measures to ensure that their territories and other territories under their control, as well as their nationals, are not used for the recruitment, assembly, financing, training and transit of mercenaries for the planning of activities designed to impede the right of peoples to self-determination, to destabilize or overthrow the Government of any State or to dismember or impair, totally or in part, the territorial integrity or political unity of sovereign and independent States conducting themselves in compliance with the right of peoples to self-determination;

5. *Welcomes* the recent entry into force of the International Convention against the Recruitment, Use, Financing and Training of Mercenaries[4] and calls upon all States that have not yet done so to consider taking the necessary action to sign or ratify it, as a matter of priority;

6. *Also welcomes* the cooperation extended by those countries that have received visits from the Special Rapporteur;

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[2] Resolution 2625 (XXV), annex.

[3] See A/56/224.

[4] Resolution 44/34, annex.

7. *Further welcomes* the adoption by some States of national legislation that restricts the recruitment, assembly, financing, training and transit of mercenaries;

8. *Calls upon* States to investigate the possibility of mercenary involvement whenever and wherever criminal acts of a terrorist nature occur and to bring to trial those found responsible or to consider their extradition, if so requested, in accordance with domestic law and applicable bilateral or international treaties;

9. *Welcomes* the convening by the Office of the United Nations High Commissioner for Human Rights of an expert meeting to discuss traditional and new forms of mercenary activities as a means of violating human rights and impeding the exercise of the right of peoples to self-determination, and takes note of its report,[5] as a valuable contribution to the process of elaborating a clearer legal definition of mercenaries that would make more efficient the prevention and punishment of mercenary activities;

10. *Requests* the United Nations High Commissioner for Human Rights to convene, before the fifty-ninth session of the Commission on Human Rights, a second expert meeting, pursuant to General Assembly resolution 54/151 of 17 December 1999, to continue studying and updating the international legislation and to make recommendations for a clearer legal definition of mercenaries that would make more efficient the prevention and punishment of mercenary activities;

11. *Requests* the Special Rapporteur to propose a clearer definition of mercenaries, including a clear nationality criteria, based on his findings, the proposals of States and the outcomes of the expert meetings, and to make suggestions on the procedure to be followed for international adoption of a new definition;

12. *Requests* the Office of the United Nations High Commissioner for Human Rights, as a matter of priority, to publicize the adverse effects of the activities of mercenaries on the right of peoples to self-determination and, when requested and where necessary, to render advisory services to States that are affected by the activities of mercenaries;

13. *Requests* the Special Rapporteur to continue taking into account in the discharge of his mandate that mercenary activities are continuing to occur in many parts of the world and are taking on new forms, manifestations and modalities;

14. *Urges* all States to cooperate fully with the Special Rapporteur in the fulfilment of his mandate;

15. *Requests* the Secretary-General and the United Nations High Commissioner for Human Rights to provide the Special Rapporteur with all the necessary assistance and support for the fulfilment of his mandate, both professional and financial, including through the promotion of cooperation between the Special Rapporteur and other components of the United Nations system that deal with countering mercenary-related activities;

16. *Requests* the Special Rapporteur to consult States, intergovernmental and non-governmental organizations in the implementation of the present resolution and to report, with specific recommendations, to the General Assembly at its fifty-

[5] E/CN.4/2001/18, annex.

seventh session, his findings on the use of mercenaries to undermine the right of peoples to self-determination;

17. *Decides* to consider at its fifty-seventh session the question of the use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination under the item entitled "Right of peoples to self-determination".

United Nations A/C.3/56/L.32

General Assembly

Distr.: Limited
6 November 2001

Original: English

Fifty-sixth session
Third Committee
Agenda item 118
Right of peoples to self-determination

Armenia, Azerbaijan, Bahrain, Bangladesh, Benin, Brunei Darussalam, Democratic Republic of the Congo, Djibouti, Dominican Republic, Egypt, Eritrea, Ethiopia, Iran (Islamic Republic of), Iraq, Jordan, Kenya, Kuwait, Lebanon, Libyan Arab Jamahiriya, Malaysia, Mali, Mauritania, Morocco, Niger, Nigeria, Oman, Pakistan, Qatar, Saint Lucia, Saudi Arabia, Singapore, Suriname, Thailand, United Arab Emirates and Viet Nam: draft resolution

Universal realization of the right of peoples to self-determination

The General Assembly,

Reaffirming the importance, for the effective guarantee and observance of human rights, of the universal realization of the right of peoples to self-determination enshrined in the Charter of the United Nations and embodied in the International Covenants on Human Rights,[1] as well as in the Declaration on the Granting of Independence to Colonial Countries and Peoples contained in General Assembly resolution 1514 (XV) of 14 December 1960,

Welcoming the progressive exercise of the right to self-determination by peoples under colonial, foreign or alien occupation and their emergence into sovereign statehood and independence,

Deeply concerned at the continuation of acts or threats of foreign military intervention and occupation that are threatening to suppress, or have already suppressed, the right to self-determination of sovereign peoples and nations,

Expressing grave concern that, as a consequence of the persistence of such actions, millions of people have been and are being uprooted from their homes as refugees and displaced persons, and emphasizing the urgent need for concerted international action to alleviate their condition,

Recalling the relevant resolutions regarding the violation of the right of peoples to self-determination and other human rights as a result of foreign military

[1] Resolution 2200 A (XXI), annex.

01-62200 (E) 071101

intervention, aggression and occupation adopted by the Commission on Human Rights at its fifty-seventh[2] and previous sessions,

Reaffirming its previous resolutions on the universal realization of the right of peoples to self-determination, including resolution 55/85 of 4 December 2000,

Also reaffirming its resolution 55/2, containing the United Nations Millennium Declaration of 18 September 2000, which, inter alia, upholds the right to self-determination of peoples under colonial domination and foreign occupation,

Taking note of the report of the Secretary-General on the right of peoples to self-determination,[3]

1. *Reaffirms* that the universal realization of the right of all peoples, including those under colonial, foreign and alien domination, to self-determination is a fundamental condition for the effective guarantee and observance of human rights and for the preservation and promotion of such rights;

2. *Declares its firm opposition* to acts of foreign military intervention, aggression and occupation, since these have resulted in the suppression of the right of peoples to self-determination and other human rights in certain parts of the world;

3. *Calls upon* those States responsible to cease immediately their military intervention in and occupation of foreign countries and territories and all acts of repression, discrimination, exploitation and maltreatment, in particular the brutal and inhuman methods reportedly employed for the execution of those acts against the peoples concerned;

4. *Deplores* the plight of millions of refugees and displaced persons who have been uprooted as a result of the aforementioned acts, and reaffirms their right to return to their homes voluntarily in safety and honour;

5. *Requests* the Commission on Human Rights to continue to give special attention to the violation of human rights, especially the right to self-determination, resulting from foreign military intervention, aggression or occupation;

6. *Requests* the Secretary-General to report on this question to the General Assembly at its fifty-seventh session under the item entitled "Right of peoples to self-determination".

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[2] See *Official Records of the Economic and Social Council, 2001, Supplement No. 3* (E/2001/23), chap. II, sect. A.

[3] A/56/295.

United Nations A/C.3/56/L.33

General Assembly

Distr.: Limited
6 November 2001

Original: English

Fifty-sixth session
Third Committee
Agenda item 118
Right of peoples to self-determination

Afghanistan, Algeria, Andorra, Antigua and Barbuda, Austria, Bahrain, Bangladesh, Belgium, Benin, Bolivia, Botswana, Brazil, Brunei Darussalam, Burkina Faso, Comoros, Costa Rica, Cuba, Cyprus, Denmark, Djibouti, Ecuador, Egypt, Eritrea, Ethiopia, Finland, France, Gambia, Germany, Greece, Guinea-Bissau, Guyana, Iceland, Indonesia, Ireland, Italy, Japan, Jordan, Kenya, Kuwait, Lao People's Democratic Republic, Lebanon, Liechtenstein, Luxembourg, Malaysia, Mali, Malta, Mauritania, Monaco, Morocco, Mozambique, Namibia, Netherlands, Niger, Nigeria, Norway, Oman, Pakistan, Panama, Portugal, Qatar, San Marino, Saudi Arabia, Senegal, Sierra Leone, Somalia, South Africa, Spain, Sudan, Sweden, Tunisia, Turkey, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, Viet Nam, Yemen, Zambia, Zimbabwe and Palestine: draft resolution

The right of the Palestinian people to self-determination

The General Assembly,

Aware that the development of friendly relations among nations, based on respect for the principle of equal rights and self-determination of peoples, is among the purposes and principles of the United Nations, as defined in the Charter,

Recalling the International Covenants on Human Rights,[1] the Universal Declaration of Human Rights,[2] the Declaration on the Granting of Independence to Colonial Countries and Peoples[3] and the Vienna Declaration and Programme of Action adopted at the World Conference on Human Rights on 25 June 1993,[4]

Recalling also the Declaration on the Occasion of the Fiftieth Anniversary of the United Nations,[5]

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[1] Resolution 2200 A (XXI), annex.
[2] Resolution 217 A (III).
[3] Resolution 1514 (XV).
[4] A/CONF.157/24 (Part I), chap. III.
[5] See resolution 50/6.

01-62228 (E) 071101

Recalling further the United Nations Millennium Declaration,[6]

Expressing hope for an immediate resumption of negotiations within the Middle East peace process on its agreed basis and for the speedy achievement of a final settlement between the Palestinian and Israeli sides,

Affirming the right of all States in the region to live in peace within secure and internationally recognized borders,

1. *Reaffirms* the right of the Palestinian people to self-determination, including the right to their independent State;

2. *Expresses the hope* that the Palestinian people will soon be exercising their right to self-determination, which is not subject to any veto, in the current peace process;

3. *Urges* all States and the specialized agencies and organizations of the United Nations system to continue to support and assist the Palestinian people in their quest for self-determination.

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[6] See resolution 55/2.

United Nations A/C.3/56/L.34

General Assembly

Distr.: Limited
7 November 2001

Original: English

Fifty-sixth session
Third Committee
Agenda item 119 (a)
Human rights questions: implementation of human rights instruments

Angola, Armenia, Australia, Austria, Azerbaijan, Belarus, Belgium, Brazil, Bulgaria, Cameroon, Canada, Chile, Costa Rica, Croatia, Cyprus, Czech Republic, Denmark, Dominican Republic, Eritrea, Estonia, Finland, France, Georgia, Germany, Greece, Guatemala, Hungary, Iceland, Ireland, Italy, Latvia, Liechtenstein, Lithuania, Luxembourg, Marshall Islands, Monaco, Netherlands, New Zealand, Norway, Poland, Portugal, Romania, San Marino, Slovakia, Slovenia, South Africa, Spain, Sweden, the former Yugoslav Republic of Macedonia, United Kingdom of Great Britain and Northern Ireland and Venezuela: draft resolution

Torture and other cruel, inhuman or degrading treatment or punishment

The General Assembly,

Recalling article 5 of the Universal Declaration of Human Rights,[1] article 7 of the International Covenant on Civil and Political Rights,[2] the Declaration on the Protection of All Persons from Being Subjected to Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment[3] and its resolution 39/46 of 10 December 1984, by which it adopted and opened for signature, ratification and accession the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, and all its subsequent relevant resolutions,

Recalling that freedom from torture is a right that must be protected under all circumstances, including in times of internal or international disturbance or armed conflict,

Recalling also that the World Conference on Human Rights, held at Vienna from 14 to 25 June 1993, firmly declared that efforts to eradicate torture should, first and foremost, be concentrated on prevention and called for the early adoption of an

[1] Resolution 217 A (III).
[2] See resolution 2200 A (XXI), annex.
[3] Resolution 3452 (XXX), annex.

01-62710 (E) 081101

optional protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, which is intended to establish a preventive system of regular visits to places of detention,[4]

Urging all Governments to promote the speedy and full implementation of the Vienna Declaration and Programme of Action, adopted by the World Conference on Human Rights on 25 June 1993,[5] in particular the section relating to freedom from torture, in which it is stated that States should abrogate legislation leading to impunity for those responsible for grave violations of human rights, such as torture, and prosecute such violations, thereby providing a firm basis for the rule of law,[6]

Recalling its resolution 36/151 of 16 December 1981, in which it noted with deep concern that acts of torture took place in various countries, recognized the need to provide assistance to the victims in a purely humanitarian spirit and established the United Nations Voluntary Fund for Victims of Torture,

Recalling also the recommendation in the Vienna Declaration and Programme of Action that high priority should be given to providing the necessary resources to assist victims of torture and effective remedies for their physical, psychological and social rehabilitation, inter alia, through additional contributions to the Fund,[7]

Noting with satisfaction the existence of a considerable international network of centres for the rehabilitation of victims of torture, which plays an important role in providing assistance to victims of torture, and the collaboration of the Fund with the centres,

Commending the persistent efforts by non-governmental organizations to combat torture and to alleviate the suffering of victims of torture,

Mindful of the proclamation by the General Assembly in its resolution 52/149 of 12 December 1997 of 26 June as the United Nations International Day in Support of Victims of Torture,

1. *Condemns* all forms of torture, including through intimidation, as described in article 1 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment;

2. *Stresses* that all allegations of torture or other cruel, inhuman or degrading treatment or punishment should be promptly and impartially examined by the competent national authority, that those who encourage, order, tolerate or perpetrate acts of torture must be held responsible and severely punished, including the officials in charge of the place of detention where the prohibited act is found to have taken place, and that national legal systems should ensure that the victims of such acts obtain redress and are awarded fair and adequate compensation and receive appropriate social and medical rehabilitation;

3. *Recalls* the Principles on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment annexed to its resolution 55/89 of 4 December 2000, and strongly encourages

[4] A/CONF.157/24 (Part I), chap. III, sect. II, para. 61.
[5] Ibid., chap. III.
[6] Ibid., sect. II, paras. 54-61.
[7] Ibid., para. 59.

Governments to reflect upon the Principles as a useful tool in efforts to combat torture;

4. *Notes with appreciation* that one hundred and twenty-six States have become parties to the Convention;

5. *Urges* all States that have not yet done so to become parties to the Convention as a matter of priority;

6. *Invites* all States ratifying or acceding to the Convention and those States that are parties to the Convention and have not yet done so to consider joining the States parties that have already made the declarations provided for in articles 21 and 22 of the Convention and to consider the possibility of withdrawing their reservations to article 20;

7. *Urges* all States parties to the Convention to notify the Secretary-General of their acceptance of the amendments to articles 17 and 18 of the Convention as soon as possible;

8. *Urges* States parties to comply strictly with their obligations under the Convention, including their obligation to submit reports in accordance with article 19, in view of the high number of reports not submitted, and invites States parties to incorporate a gender perspective and information concerning children and juveniles when submitting reports to the Committee against Torture;

9. *Emphasizes* the obligation of States parties under article 10 of the Convention to ensure education and training for personnel who may be involved in the custody, interrogation or treatment of any individual subjected to any form of arrest, detention or imprisonment;

10. *Stresses*, in this context, that States must not punish personnel referred to in paragraph 9 above for not obeying orders to commit or conceal acts amounting to torture or other cruel, inhuman or degrading treatment or punishment;

11. *Calls upon* all Governments to take appropriate effective legislative, administrative, judicial or other measures to prevent and prohibit the production, trade, export and use of equipment which is specifically designed to inflict torture or other cruel, inhuman or degrading treatment;

12. *Welcomes* the work of the Committee Against Torture, and takes note of the report of the Committee,[8] submitted in accordance with article 24 of the Convention;

13. *Acknowledges* the number of reports and communications awaiting consideration by the Committee and, in this regard, decides to authorize the Committee to establish a pre-sessional working group composed of four of its members to meet for a five-day session during the week preceding each session of the Committee,[9] and further invites the Committee to continue to enhance its methods of work;

14. *Calls upon* the United Nations High Commissioner for Human Rights, in conformity with her mandate established in General Assembly resolution 48/141 of 20 December 1993, to continue to provide, at the request of Governments, advisory

[8] *Official Records of the General Assembly, Fifty-sixth Session, Supplement No. 44* (A/56/44).

[9] See ibid., para. 14.

services for the preparation of national reports to the Committee and for the prevention of torture, as well as technical assistance in the development, production and distribution of teaching material for this purpose;

15. *Urges* States parties to take fully into account the conclusions and recommendations made by the Committee after its consideration of their reports;

16. *Welcomes* the progress made by the inter-sessional open-ended working group of the Commission on Human Rights on the development of a draft optional protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, and urges the working group to complete as soon as possible a final text for submission to the General Assembly, through the Economic and Social Council, for consideration and adoption;

17. *Takes note with appreciation* of the interim report of the Special Rapporteur of the Commission on Human Rights on the question of torture and other cruel, inhuman or degrading treatment or punishment,[10] describing the overall trends and developments with regard to his mandate, and encourages the Special Rapporteur to continue to include in his recommendations proposals on the prevention and investigation of torture;

18. *Invites* the Special Rapporteur to continue to examine questions of torture and other cruel, inhuman or degrading treatment or punishment directed against women, and conditions conducive to such torture, and to make appropriate recommendations for the prevention and redress of gender-specific forms of torture, including rape or any other form of sexual violence, and to exchange views with the Special Rapporteur on violence against women, its causes and consequences, with a view to enhancing further their effectiveness and mutual cooperation;

19. *Also invites* the Special Rapporteur to continue to consider questions relating to the torture of children and conditions conducive to such torture and other cruel, inhuman or degrading treatment or punishment and to make appropriate recommendations for the prevention of such torture;

20. *Calls upon* all Governments to cooperate with and assist the Special Rapporteur in the performance of his task, to supply all necessary information requested by him, to react appropriately and expeditiously to his urgent appeals and to give serious consideration to his requests to visit their countries, and urges them to enter into a constructive dialogue with the Special Rapporteur with respect to the follow-up to his recommendations;

21. *Approves* the methods of work employed by the Special Rapporteur, in particular with regard to urgent appeals, reiterates the need for him to be able to respond effectively to credible and reliable information that comes before him, invites him to continue to seek the views and comments of all concerned, in particular Member States, and expresses its appreciation for the discreet and independent way in which he continues to carry out his work;

22. *Requests* the Special Rapporteur to continue to consider including in his report information on the follow-up by Governments to his recommendations, visits and communications, including progress made and problems encountered;

[10] A/56/156.

23. *Stresses* the need for the continued regular exchange of views between the Committee, the Special Rapporteur and other relevant United Nations mechanisms and bodies, as well as for the pursuance of cooperation with relevant United Nations programmes, notably the United Nations Crime Prevention and Criminal Justice Programme, with a view to enhancing further their effectiveness and cooperation on issues relating to torture, inter alia, by improving their coordination;

24. *Expresses its gratitude and appreciation* to the Governments, organizations and individuals that have already contributed to the United Nations Voluntary Fund for Victims of Torture;

25. *Stresses* the importance of the work of the Board of Trustees of the Fund, and appeals to all Governments and organizations to contribute annually to the Fund, preferably by 1 March before the annual meeting of the Board of Trustees, if possible with a substantial increase in the level of contributions, so that consideration may be given to the ever-increasing demand for assistance;

26. *Requests* the Secretary-General to transmit to all Governments the appeals of the General Assembly for contributions to the Fund and to continue to include the Fund on an annual basis among the programmes for which funds are pledged at the United Nations Pledging Conference for Development Activities;

27. *Also requests* the Secretary-General to assist the Board of Trustees of the Fund in its appeal for contributions and in its efforts to make better known the existence of the Fund and the financial means currently available to it, as well as in its assessment of the global need for international funding of rehabilitation services for victims of torture and, in this effort, to make use of all existing possibilities, including the preparation, production and dissemination of information materials;

28. *Further requests* the Secretary-General to ensure the provision of adequate staff and facilities for the bodies and mechanisms involved in combating torture and assisting victims of torture, commensurate with the strong support expressed by Member States for combating torture and assisting victims of torture;

29. *Invites* donor countries and recipient countries to consider including in their bilateral programmes and projects relating to the training of armed forces, security forces, prison and police personnel, as well as health-care personnel, matters relating to the protection of human rights and the prevention of torture and to keep in mind a gender perspective;

30. *Calls upon* all Governments, the Office of the United Nations High Commissioner for Human Rights and other United Nations bodies and agencies, as well as relevant intergovernmental and non-governmental organizations, to commemorate, on 26 June, the United Nations International Day in Support of Victims of Torture;

31. *Requests* the Secretary-General to submit to the Commission on Human Rights at its fifty-eighth session and to the General Assembly at its fifty-seventh session a report on the status of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and a report on the operations of the United Nations Voluntary Fund for the Victims of Torture;

32. *Decides* to consider at its fifty-seventh session the reports of the Secretary-General, including the report on the United Nations Voluntary Fund for Victims of Torture, the report of the Committee against Torture and the interim report of the Special Rapporteur of the Commission on Human Rights on the question of torture and other cruel, inhuman or degrading treatment or punishment.

United Nations A/C.3/56/L.35

General Assembly

Distr.: Limited
7 November 2001

Original: English

Fifty-sixth session
Third Committee
Agenda item 119 (a)
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Decision of the Human Rights Committee at its seventy-third session

Note by the Secretariat

At its 1972nd meeting, on 24 November 2001, the Human Rights Committee adopted decision 1 (73), recommending action by the General Assembly. The text of the decision is reproduced below for information.

Decision 1 (73)

The Human Rights Committee,

Recalling that its activities under the Optional Protocol to the International Covenant on Civil and Political Rights[1] have increased as a result of the growing number of States parties to the Optional Protocol,

Reiterating its concern, expressed in annual reports to the General Assembly,[2] that the backlog in consideration of communications under the Optional Protocol, while progressively being reduced, continues to exist,

Drawing attention to article 36 of the Covenant, pursuant to which the Committee shall be guaranteed the necessary resources for the effective performance of all of its functions, including the consideration of communications under the Optional Protocol,

[1] Resolution 2200 A (XXI), annex.

[2] *Official Records of the General Assembly, Fifty-third Session, Supplement No. 40* (A/53/40), vol. I, paras. 430-432, and ibid., *Fifty-fifth Session, Supplement No. 40* (A/55/40), vol. I, paras. 539-545.

01-62414 (E) 071101

Recalling its decision, adopted at its 1955th meeting, on 27 July 2001, to request an additional week of meetings to be held after its seventy-fifth session, in July 2002,[3]

Recommends to the General Assembly the following draft decision for adoption:

> The General Assembly, taking note of decision 1 (73) of 24 October 2001 of the Human Rights Committee, decides to endorse the request of the Committee to hold an additional week of meetings following its seventy-fifth session, scheduled to be held from 8 to 26 July 2002 in Geneva.

[3] Ibid., *Fifty-sixth Session, Supplement No. 40* (A/56/40), vol. I, para. 47.